

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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ERIC C. GRIMM,

Plaintiff,

Case No. 1:17-CV-654

v.

HON. GORDON J. QUIST

RAW STORY MEDIA, INC., et al.,

Defendants.

**ORDER REGARDING SERVICE**

On November 3, 2017, the Court issued a Notice of Impending Dismissal as to certain Defendants upon whom service had not been made. On November 13, 2017, the Court entered an Order directing Plaintiff to show cause why Defendant Newslo should not be dismissed for lack of prosecution. Plaintiff filed a Verified Petition in response to the Notice of Impending Dismissal on November 24, 2017. (ECF No. 37.) Plaintiff responded to the show cause Order on November 13, 2017, and obtained a summons for Defendant Newslo on November 29, 2017. (ECF Nos. 34, 43.) Accordingly, the Order to Show Cause regarding Newslo is **discharged**.

The following Defendants remain unserved as of this date: Mark T. Boonstra, David Bossenbroek, Vicki Broge, Robert Carter, Barton Dieters, Linnea Kostrzewa, Brianna Scott, David Shafer, Paul Shibley, and Theodore N. Williams. In his Verified Petition, Plaintiff requests that the Court extend the summonses thirty days to allow him to make service. Plaintiff also alleges that attorney-Defendants Bossenbroek, Scott, Shafer, and Shibley are evading service. (ECF No. 37 at PageID.423–24.)

Although some of the summonses were expired at the time the Court issued the Notice of Impending Dismissal because a summons expires after 90, rather than 120 days, *see Fed. R. Civ. P. 4(m)*, a court may extend a summons even after it has expired. *Mann v. Am. Airlines*, 324 F.3d 1088, 1090 (9th Cir. 2003) (citing *Henderson v. United States*, 517 U.S. 654, 116 S. Ct. 1638 (1996)). Accordingly, the Court will extend the time for service to **January 5, 2018**. Plaintiff shall accomplish service or file a motion for alternate service regarding the above-identified Defendants by that date.

Finally, Plaintiff states that although the Washington Times is not named in the caption of the Amended Complaint, it is named in the body of the pleading. Plaintiff indicates that he intended to retain the Washington Times as a Defendant. Accordingly the caption shall be amended to add the Washington Times as a Defendant, and the Clerk shall amend the docket report accordingly. Plaintiff shall affect service on the Washington Times by the date set forth above.

**IT IS SO ORDERED.**

Dated: December 8, 2017

/s/ Gordon J. Quist

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GORDON J. QUIST  
UNITED STATES DISTRICT JUDGE